

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

WILLIAM F. LAFFOON,)
Petitioner,)
v.) Case No. CIV-22-110-Raw-KEW
SCOTT NUNN,)
WARDEN,)
Respondent.)

PRE-ANSWER MOTION TO DISMISS PETITION FOR HABEAS CORPUS
AS TIME BARRED BY THE STATUTE OF LIMITATIONS

Comes now the Respondent, by and through the Attorney General of the State of Oklahoma and respectfully asks that the instant Petition for Habeas Corpus be dismissed as it is untimely filed pursuant to 28 U.S.C. § 2244(d). Respondent has filed a brief in support of this Motion which is being filed simultaneously herewith which more fully explains and supports Respondent's position.¹

Wherefore, for the reasons contained within Respondent's brief in support, Respondent respectfully requests that this Court dismiss the instant Petition as it is barred by the statute of limitations.

¹ This Court's Order calling for a response expressly states that, "As an alternative to filing a Rule 5 answer, Respondent may file within thirty (30) days a motion to dismiss based upon 28 U.S.C. § 2244, 28 U.S.C. § 2254, or other applicable statute." (Doc. 8). In the event this Court denies this motion to dismiss, Respondent respectfully requests permission to file a response on the merits.

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 4, 2024

Christopher M. Wolpert
Clerk of Court

WILLIAM F. LAFFOON,

Petitioner - Appellant,

v.

RICK WHITTEN,

Respondent - Appellee.

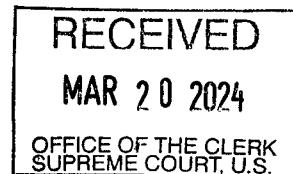
No. 23-7010

(D.C. No. 6:22-CV-00110-Raw-Kew)
(E.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before MATHESON, BRISCOE, and EID, Circuit Judges.

Petitioner William F. Laffoon, a state inmate appearing *pro se*, requests a certificate of appealability (COA) from the district court's dismissal of his 28 U.S.C. § 2254 application as untimely. Laffoon also requests a writ of mandamus ordering the district court to rule on a Rule 60(b) Motion. For the reasons explained below, we deny Laffoon's request for a Certificate of Appealability, deny his request for writ of mandamus, and dismiss the matter.



* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

**Additional material
from this filing is
available in the
Clerk's Office.**